

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 || KENNETH A. HENDREN,

9 || Petitioner,

10 | VS.

11 BRIAN E. WILLIAMS, *et al.*,

12 Respondents.

2:16-cv-00361-APG-PAL

ORDER

15 This action is a petition for writ of habeas corpus by Nevada prisoner Kenneth A. Hendren.
16 Hendren initiated this case on February 22, 2016. On that date, Hendren filed an application to
17 proceed *in forma pauperis*, along with his habeas petition (attached to application to proceed *in*
18 *forma pauperis*), and a motion for appointment of counsel (ECF No. 2). On March 3, 2016, the
19 court denied Hendren’s application to proceed *in forma pauperis* (ECF No. 3). On April 8, 2016,
20 Hendren paid the filing fee (ECF No. 4).

21 The Court has reviewed Hendren's petition, pursuant to Rule 4 of the Rules Governing
22 Section 2254 Cases in the United States District Courts, and determines that it merits service upon
23 respondents and a response by respondents.

Hendren has filed a motion for appointment of counsel (ECF No. 2). “Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a particular case indicate that appointed counsel is necessary to prevent due

1 process violations.” *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986) (citing *Kreiling v. Field*,
2 431 F.2d 638, 640 (9th Cir.1970) (per curiam). The court may, however, appoint counsel at any
3 stage of the proceedings “if the interests of justice so require.” See 18 U.S.C. § 3006A; see also,
4 Rule 8(c), Rules Governing Section 2254 Cases; *Chaney*, 801 F.2d at 1196. Based on the record in
5 this case at this time, the court determines that appointment of counsel is not warranted.

6 **IT IS THEREFORE ORDERED** that petitioner’s motion for appointment of counsel
7 (ECF No. 2) is **DENIED**.

8 **IT IS FURTHER ORDERED** that the Clerk of the Court shall separately file the petition
9 for writ of habeas corpus (attached to the application to proceed *in forma pauperis*, at ECF
10 No. 1).

11 **IT IS FURTHER ORDERED** that the Clerk of the Court shall add Adam Paul Laxalt,
12 Attorney General of the State of Nevada, as counsel for respondents.

13 **IT IS FURTHER ORDERED** that the Clerk of the Court shall electronically serve upon
14 respondents a copy of the petition for writ of habeas corpus and a copy of this order.

15 **IT IS FURTHER ORDERED** that respondents shall have **60 days** from the date of entry of
16 this order to appear in this action, and to answer or otherwise respond to the petition.

17 **IT IS FURTHER ORDERED** that if respondents file an answer, petitioner shall have 60
18 days from the date on which the answer is served on him to file and serve a reply. If respondents file
19 a motion to dismiss, petitioner shall have 60 days from the date on which the motion is served on
20 him to file and serve a response to the motion to dismiss, and respondents shall, thereafter, have 30
21 days to file a reply in support of the motion.

22 Dated this 20th day of April, 2016.

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26 UNITED STATES DISTRICT JUDGE